

## **TITLE 16. Board of Optometry**

NOTICE IS HEREBY GIVEN that the Board of Optometry is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 400 R Street, Suite 4090, Sacramento, California, at 10:00 AM, November 19, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Optometry at its office not later than 5:00 p.m. on November 17, 2003 or must be received by the Board of Optometry at the hearing. The Board of Optometry, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 3025, 3044, 3045, 3047, 3075, 3152, and 3152.2 of the Business and Professions Code, and to implement, interpret or make specific sections 3044, 3045, 3075, 3125, 3152, and 3152.5 of said Code, the Board of Optometry is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows: Amendment of sections 1523 and 1524, Licensure Application and Fee.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

- (1) Section 1523: A 2002 amendment to Division 15, Title 16, California Code of Regulations (CCR) section 1531 eliminated the Board's practical examination and established a national testing organization's practical examination for licensure. This proposal will incorporate by reference associated license application title and fee revisions.
- (2) Section 1524: A 2002 amendment to CCR section 1531 eliminated the Board's practical examination and established a national testing organization's practical examination for licensure. The Board proposes a commensurate reduction in the fee for licensure relative to the elimination of its practical examination.

### **FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**AND**

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Board of Optometry has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board of Optometry is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

**EFFECT ON SMALL BUSINESS**

The Board of Optometry has determined that the proposed regulations would not affect small businesses because the regulation amendment pertains to a license application fee only applicable to licensure candidates.

**CONSIDERATION OF ALTERNATIVES**

The Board of Optometry must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS AND INFORMATION**

The Board of Optometry has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Optometry at 400 R Street, Suite 4090, Sacramento, California 95814.

### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

### CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Rex Farmer
Address:	400 R Street, Suite 4090 Sacramento, CA 95814
Telephone No.:	(916) 322-0961
Fax No.:	(916) 445-8711
E-Mail Address:	rex_farmer@dca.ca.gov

The backup contact person is:

Name:	Jane Flint
Address:	400 R Street, Suite 4090 Sacramento, CA 95814
Telephone No.:	(916) 323-8720
Fax No.:	(916) 445-8711
E-Mail Address:	jane_flint@dca.ca.gov

### Website Access:

Materials regarding this proposal can be found at [www.optometry.ca.gov](http://www.optometry.ca.gov)

**PROPOSED AMENDMENT: CALIFORNIA CODE OF REGULATIONS  
SECTION 1523**

**Article 5. Application for Licensure ~~Examination~~**

**1523. Licensure ~~Examination~~ Requirements.**

(a) Application for licensure as an optometrist shall be made on a form prescribed by the Board (Form 39A-1. Rev. ~~3-96~~ **3-02**), which is hereby incorporated by reference, and shall show that the applicant is at least 18 years of age.

(b) The application shall be accompanied by the following:

(1) The fees fixed by the Board pursuant to Section 1524 in this Article;

(2) Satisfactory evidence of graduation from an optometry school approved by the Board.

(3) One classifiable set of fingerprints on a form provided by the Board.

(c) Completed applications for examination shall be filed with the Board not later than 30 days prior to the date set for the beginning of the examination for which application is made.

(d) An incomplete application shall be returned to the applicant together with a statement setting forth the reason(s) for returning the application and indicating the amount of money, if any, which will be refunded.

(e) Permission to take the Patient Management and California Laws and Regulations examination sections shall be granted to those applicants who have paid the necessary fees and who meet the educational qualifications to take the examination.

(f) Once the applicant has passed the examination, an official notice will be sent with instructions for submission of the licensure fee. Licensure shall be contingent on the applicant's passing the clinical demonstration portion of the National Board of Examiners in Optometry examination as provided in Section 1531 in this Article.

(g) Admission into the examination shall not be construed to limit the Board's authority to seek from an applicant such other information as may be deemed necessary to evaluate the applicant's qualifications for licensure.

Note: Authority cited: Sections 3025, 3044, 3075, 3152 and 3152.5, Business and Professions Code. Reference: Sections 3075, 3125, 3152 and 3152.5, Business and Professions Code.

PROPOSED AMENDMENT: CALIFORNIA CODE OF REGULATIONS  
SECTION 1524

**Article 5. Application for Licensure ~~Examination~~**

**1524. Fees.**

The following fees are established:

- (a) Application fee for certificate of registration as an optometrist ~~by examination \$275~~ is \$125.
- (b) Biennial renewal of a certificate of registration as an optometrist is  
\$300.
- (c) Delinquency fee for failing to renew a certificate of registration timely is  
\$25.
- (d) Application fee for a branch office license is \$60.
- (e) Annual renewal of a branch office license is \$60.
- (f) Penalty fee for failure to renew a branch office license timely is \$25.
- (g) Issuance fee for a certificate of registration or upon change of name  
of a person holding a certificate of registration is  
\$25.
- (h) Application fee for a fictitious name permit is \$10.
- (i) Annual renewal of a fictitious name permit is \$10.
- (j) Application fee for a statement of licensure is \$20.
- (k) Application fee for a certificate to use therapeutic pharmaceutical  
agents is \$25.

Note: Authority cited: Sections 3025, 3044, 3045 and 3047,  
Business and Professions Code. Reference: Sections 3044 and 3045,  
Business and Professions Code.



**BOARD OF OPTOMETRY**  
 400 R STREET, SUITE 4090, SACRAMENTO, CALIFORNIA, 95814-6200  
 TELEPHONE: (916) 323-8720  
 www.optometry.ca.gov



## APPLICATION FOR ~~EXAMINATION~~ **LICENSURE AS AN OPTOMETRIST**

The information is required under Sections 3044 & 3047 of the Business and Professions Code. All terms of information requested are mandatory. Failure to provide any of the requested information will result in the application being rejected as incomplete. The information provided will be used to determine qualification for examination. The official responsible for the maintenance of this information is the Executive Officer.

The information may be transferred to other interagency or intergovernmental agency, and/or enforcement agencies. Each individual has the right to review the files on records maintained on them by the agency, unless the records are identified as confidential information and exempted in Section 1798.3 of the Information Practices Act of the Civil Code.

**FOR OFFICE USE ONLY**

**Receipt Number** \_\_\_\_\_

**APPLICATION  
& EXAM FEE**

~~\$275.00~~

**\$125.00**

PLEASE TYPE OR PRINT LEGIBLY

1. Name: (FIRST)				(MIDDLE)				(LAST)			
2. Address: (NUMBER & STREET)								Date of Birth			
(CITY)				(STATE)				(ZIP)		(TELEPHONE)	
3. Disclosure of your Social Security Number is mandatory. Section 30 of the Business and Professions Code and Public law 94-455 (42 section # USCA(c) (2) (C)) authorize collection of your social security number. Your social security number will be used exclusively for tax enforcement purposes and for purposes of compliance with any judgement or order for family support in accordance with section 11350.6 of the Welfare and Institutions Code. If you fail to disclose your social security number, your application for examination will not be processed and you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.											
<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>	
4. Education: Name(s) of School(s) or College(s) of Optometry attended (NAME OF SCHOOL)											
(ADDRESS OF SCHOOL)				(NUMBER & STREET)				(CITY)		(STATE)	
(DATE ENTERED)				(DATE GRADUATED)							
(NAME OF SCHOOL)											
(ADDRESS OF SCHOOL)				(NUMBER & STREET)				(CITY)		(STATE)	
(DATE ENTERED)				(DATE GRADUATED)							

5. National Board of Examiners in Optometry (NBEO)

Have your NBEO transcripts been sent to the California State Board of Optometry?  
If answer is Yes, provide month and year of test administration.

☐ Yes ☐ No

6. Have you previously applied to take an examination for licensure to practice optometry in California? If answer is Yes, provide the month and year of each examination:

☐ Yes ☐ No

7. Do you now or have you ever held a license to practice optometry in any other state?

If answer is Yes, provide state(s) and license number(s):

☐ Yes ☐ No

8. Have you ever had a license to practice optometry in this or any other state denied, suspended or revoked?

If answer is Yes, provide full details including charge(s), where (state or territory) and final disposition:

☐ Yes ☐ No

9. Are you presently suffering from any ailment communicable to others?

If answer is Yes, explain fully:

☐ Yes ☐ No

10. Have you, as a juvenile or adult, ever been convicted of or plead nolo contendere to any violation of a U.S. Statute, State Statute or local ordinance, other than Vehicle Code No offenses in which fines levied were less than \$50.00? (Convictions dismissed pursuant to Section 1203.4 of the Penal Code must be disclosed)

If answer is Yes, provide the full details of each offense, including nature, location, disposition and date of disposition must accompany this application.

☐ Yes ☐ No

I declare under penalty of perjury under the laws of the State of California that the answer and information given by me in completing this application, and any attached sheets, are true and I understand and agree that any misstatements of material facts herein may be cause for the denial of this application or for subsequent suspension or revocation of a certificate of registration to practice optometry in California if one is granted to me.

Date

Signature of Applicant

PHOTOS MUST HAVE BEEN TAKEN WITHIN THE LAST SIX MONTHS  
USE TAPE DO NOT STAPLE

ATTACH  
2" x 2"  
PHOTOGRAPH  
HERE

ATTACH  
2" x 2"  
PHOTOGRAPH  
HERE